IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.39975 of 2008
BIRENDRA MANJHI
Son of late Sita Manjhi resident of village – Aimachauk Bhuitoli, P.S. – Khizersarai.

------ Petitioner

Versus

THE STATE OF BIHAR

------ Opposite Party.

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2 22.10.2008 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner is in custody since 8.1.2008, in connection with Khizersarai P.S. Case No. 33 of 2006 for offence under sections 302 read with 34 of the Indian Penal Code.

As per the First Information Report, on the day before Holi festival which is called the 'Agza day' certain disputes arose with regard to the throwing of colours on one Munwas Devi. An altercation thereafter is supposed to have taken place in which one Satyendra Manjhi and the present petitioner is supposed to have assaulted the husband of Munwas Devi with Lathi as well as fists and slaps. It is further stated that the present petitioner is supposed to have hit the deceased with wooden log which caused bleeding, the injured person subsequently died on the way to the hospital.

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Learned counsel for the petitioner submits that it is not a case of premeditated murder but try to commit at the heat of the moment. In the given background there could be an intention to hurt but not to kill as would be evident from the

nature of the assault on the deceased. The petitioner if enlarged on bail is willing to cooperate in the trial of the case and shall not abscond. A supplementary affidavit has been filed in the matter, two of his close relatives are willing to cooperate and the petitioner shall ensure that he will not fugitive from law.

Taking into consideration the allegation and the circumstances leading to the so-called crime, let the petitioner namely, Birendra Manjhi, be enlarged on bail on furnishing bail bond of sum of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in connection with Khizersarai P.S. Case No. 33 of 2006. One of the surety would be executed by one Chatta Manjhi or Pandua Manjhi who is supposed to be the 'Mamu' of the petitioner.

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Rajeev/

(Ajay Kumar Tripathi, J.)